

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

DECISION AND ORDER  
04-CR-30A

SAKHWAT ULLAH,

Defendant.

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Defendant Sakhwat Ullah, who proceeded *pro se* and *in forma pauperis* during his criminal trial, is currently appealing his conviction and sentence. His assigned CJA counsel has requested transcripts of all trial proceedings including voir dire, opening and closing arguments, and jury instructions.

Pursuant to 28 U.S.C. § 753(f), fees for transcripts furnished in criminal proceedings to persons proceeding under the CJA or on appeal *in forma pauperis*, shall be paid by the United States out of money appropriated for that purpose. However, absent prior special authorization, "trial transcripts" shall exclude "prosecution and defense opening statements, prosecution argument, defense argument, prosecution rebuttal, voir dire and jury instructions." See Guide to Judiciary Policies and Procedures, Vol. VI, § 13.5.

The defendant has not sought special authorization for the



preparation of transcripts for jury selection, opening and closing arguments and jury instructions nor explained why such transcripts are necessary to perfect his appeal. It is the Judicial Conference Policy that:

[A] substantial number of criminal appeals can be fairly conducted without a full transcript of all testimony and proceedings. . . All counsel should be required to exhaust all efforts to perfect appeals without full trial transcripts, by use of such traditional devices as preparation of limited transcripts, and preparation of an agreed statement of other summary of evidence."

Id. at § 13.3.

Accordingly, the Court hereby denies the defendant's request for transcripts for the following proceedings: government and defense opening statements, the government and defense closing arguments, the government's rebuttal, voir dire and jury instructions. Transcripts for all trial testimony and other proceedings are approved.

SO ORDERED.

s/ Richard J. Arcara  
HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: June 25, 2007